S.B. CRIMINAL REVISION PETITION NO. 1330/2007
Vikram Singh Vs. State of Rajasthan

DATE OF ORDER : 11.12.2007

HON'BLE MR. GOVIND MATHUR, J.

Mr. B.S. Rathore, for the petitioner/s.
Mr. V.R. Mehta, Public Prosecutor.

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This revision petition is preferred to assail validity, correctness and propriety of the order dated 4.10.2007 passed by the learned Addl. Sessions Judge (Fast Track) No.2, Hanumangarh rejecting the application preferred on behalf of the accused Vikram Singh S/o Inder Singh to treat him a juvenile. Learned court below rejected the application aforesaid by relying upon the Register maintained by Gram Panchayat and treated age of the petitioner-accused more than eighteen years.

While assailing validity of the order aforesaid the contention of learned counsel for the petitioner is that on basis of certificate issued by the Secondary Education Board, Ajmer, Rajasthan the date of birth of the petitioner is 19.8.1990, and thus, the court below erred while determining the age on basis of the Panchayat Register and the ration card.

I have gone through the order impugned. On behalf of the petitioner a specific date of birth was advanced and that was supported

by Secondary School Examination Certificate as well as by the Scholar Registering Certificate of the School. There was no just and valid reason to give preference to entries made in Panchayat Register, those were made simply on hearsay or just on basis of probability. A definite date of birth is given in School Scholar Registering Certificate and the Secondary School Examination Certificate deserves precedence over indefinite entry in the Panchayat Register. Beside that medical evidence is also in favour of the petitioner and as such the order impugned is unsustainable in the eye of law. Accordingly, the same is quashed. The application preferred on behalf of the petitioner to treat him as juvenile is allowed. The petitioner, therefore, be treated as Juvenile while making trial of the case in hand.

(GOVIND MATHUR),J.

J.G.